

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALLEN MORRIS,

Plaintiff,

-against-

9:10-CV-0041 (LEK/GHL)

CALVIN RABSATT,

Defendant.

ORDER

This matter comes before the Court following a Report-Recommendation filed on October 18, 2010, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 23).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." FED. R. CIV. P. 72(b), in compliance with L.R. 72.1 of the Northern District of New York. No objections have been raised in the allotted time with respect to Magistrate Judge Lowe's Report-Recommendation. While the Court agrees with Magistrate Judge Lowe's assessment that the issue presented by Defendants' Motion to dismiss (Dkt. No. 20) involves a "close question," Report-Rec at 4, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 23) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

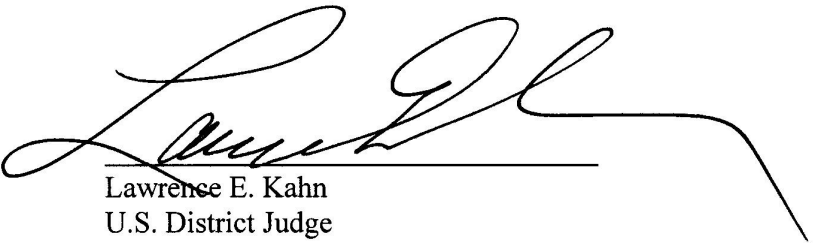
ORDERED, that Defendants' Motion to dismiss (Dkt. No. 20) is **DENIED**; and it is

further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: November 09, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge